

REMARKS

Claims 1-82 are all the claims pending in the application. Claims 1-82 have been examined.

Substance of Interview:

Applicant thanks the Examiner for the courtesies extended during the interview of September 25, 2003. To satisfy 37 C.F.R. §1.133, the interview is summarized as follows. In particular, it was discussed that Gutfeld discloses a process for injecting liquid crystal material into a display panel. It is this step that the Examiner asserts is longer than other steps in Gutfeld. Thus, the Examiner asserts that it would have been obvious to process a small number of panels in a first step and then put a larger batch into the second process step, i.e., injecting the liquid crystal. Such a position would only apply to the previously presented claims 1 and 37. However, claims 1 and 37 are amended and deemed allowable as noted in the below comments.

As noted in the interview, the Examiner's position is not pertinent to the other independent claims because, as a non-limiting example, claims 13 and 49 describe the second step as being shorter and processing fewer panels, and claims 25 and 61 describe three steps, where the first and third steps are shorter than the second step and process fewer panels. Thus, it was submitted that Gutfeld does not support an assertion that it would have been obvious to provide a step, after the step of filing the panel with liquid crystal material, which is shorter and

processes fewer panels. The Examiner agreed that this argument directed to claims 13, 25, 49 and 61 is persuasive.

35 U.S.C. §102:

Claims 1-82 are rejected under 35 U.S.C. §102(e) as being anticipated by Inoue et al. (U.S. Patent 6,321,898 [hereinafter “Inoue”]). Applicant respectfully traverses this rejection in view of the following remarks.

The present application has a priority date of January 8, 1999, based on Japanese Patent Application No. 11-002545. Applicant perfects priority by submitting herewith a certified English translation of the priority document.

Inoue was filed on December 28, 1999. Accordingly, by perfecting priority, the present application antedates Inoue to thereby obviate the rejection. Accordingly, Applicant respectfully requests that the rejection of claims 1-82 under 35 U.S.C. §102(e) be withdrawn.

35 U.S.C. §103:

Claims 1, 2, 12-14, 24-26, 36-38, 48-50, 60-62 and 72 are rejected under 35 U.S.C. §103(a) as being unpatentable over von Gutfeld et al. (U.S. Patent 6,181,408 [hereinafter “Gutfeld”]). Applicant respectfully traverses this rejection in view of the following remarks.

Applicant notes that the features of claims 2 and 3 have been rewritten into claim 1. The features of claims 38 and 39 have been incorporated into claim 37. Allowance of amended

claims 1 and 37 is requested because they respectively include the features of claims 2-3 and 38-39, which are presumed allowable due to their rejection being overcome by perfecting priority.

In regard to independent claims 13, 25, 49 and 61, and in addition to the arguments presented during the interview, Applicant respectfully submits that the present invention is directed to a novel combination of elements that form new and unobvious methods for fabricating a display panel. Applicant respectfully submits that Gutfeld would have failed to teach or suggest all of the claimed features as set forth in the present application. The Examiner even acknowledges that Gutfeld does not disclose all of the claimed features, i.e., that a number of panels to be processed in a particular step is greater than a number of panels to be processed in another step. It is respectfully submitted that it is not proper for the Examiner to attempt to circumvent his burden of showing how the prior art would have taught or suggested all of the claimed features by submitting that the deficient teachings of Gutfeld would have been a matter of “design choice.”

Gutfeld discloses a tool for enhancing a speed at which individual display panels are filled with liquid crystal material. In other words, Gutfeld teaches a way to more quickly inject the liquid crystal material into the respective panels. On the other hand, for example, the present invention discloses multiple steps and procedures to effectively manipulate a number of display panels in the respective steps. Thus, the teaching in Gutfeld of more quickly filling individual

panels is independent and distinct to that of Applicant's invention which describes a more efficient way of manipulating the number of panels to be processed in individual steps.

The Examiner attempts to support his "design choice" assertion by asserting that the missing aspects of Gutfeld would have been obvious to "maintain a continuous production without shutting down one operation for an excessive period of time...[by]...increasing the number of display panels during the longest manufacturing step." However, the Examiner has failed to support his assertion with factual evidence or a persuasive line of reasoning because the increasing of panels at the longest manufacturing step does not necessarily mean that one operation will be shut down for less of a time. Thus, it is submitted that the Examiner's characterization of the claimed limitation as "design choice," based on the present facts, is an unsupported, generalized conclusion, and not a reason or showing, as required to support the rejection. As such, the Examiner is requested to supply appropriate objective factual support or withdraw the rejection.

Moreover, as noted in the Description of the Related Art of the present application, the prior art suffers from an inefficient manner in which to manipulate display panels. It is the prior art that must provide a motivation or reason for one skilled in the art, without the benefit of Applicant's specification, to make the necessary changes in the reference's disclosure. (See MPEP §2144.04(VI)(c).) Upon a reading of Gutfeld, one still would not have been taught to overcome the manufacturing inefficiencies of the prior art. Thus, Gutfeld does not even provide

motivation for one to think about a number of display panels to be processed in one particular step in comparison to another step.

Consequently, it is submitted that independent claims 1, 13, 25, 37, 49 and 61 are patentable over Gutfeld, and the rejection of these claims under 35 U.S.C. §103(a) should be withdrawn. Dependent claims 12, 14, 24, 26, 36, 48, 50, 60, 62 and 72 are also patentable over Gutfeld, at least by virtue of them being respectively dependent on the independent claims, in addition to their individual recitations.

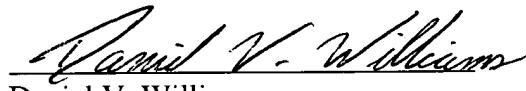
In view of the preceding amendments, comments, corrected formal drawings and the submission of a certified copy of Applicant's priority document, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is kindly requested to contact the undersigned attorney at the local telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.111
U.S. Appln. No. 09/478,198

Art Unit 2879
Q57471

A Petition for Extension of Time with appropriate fee accompanies this document. The USPTO is directed and authorized to charge all additional required fees (except the Issue Fee and/or the Publication Fee) to our Deposit Account No. 19-4880. Please also credit any over-payments to said Deposit Account.

Respectfully submitted,


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